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10/091,386

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EXAMINER

VAN HANDEL, MICHAEL P

ART UNIT

PAPER NUMBER

2623

NOTIFICATION DATE

DELIVERY MODE

04/09/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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| | | | |
|------------------------------|---------------------------------------|-------------------------------------|--|
| Office Action Summary | Application No. 10/091,386 | Applicant(s) EMURA ET AL. | |
| | Examiner MICHAEL VAN HANDEL | Art Unit 2623 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 40-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/07/2002, 6/16/2004, 8/08/2005, 5/30/2007,</u> | 6) <input type="checkbox"/> Other: _____ |
| <u>9/19/2007.</u> | |

DETAILED ACTION

Election/Restrictions

1. Applicant has elected embodiment 2 in response to the Requirement for Election mailed 12/14/2007. Claims **40-45** are pending. Claims **1-39** are canceled. Claims **40-45** are new.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims **42** and **45** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Referring to claims **42** and **45**, the examiner fails to find support for the phrase “comprising a charger that does not perform charging when the preview is transmitted and performs charging according to a length of the preview,” as currently claimed. The passage of page 37, lines 5-8 of Applicant’s specification states that “a generated preview is distributed free-of-charge, but a mode is also possible whereby an appropriate price is charged according to the length of a preview rather than making previews free-of-charge.” That is, this passage suggests that the charger either provides previews free-of-charge or charges according to the

length of the preview, whereas the language of claims 42 and 45 suggests that the charger performs both functions. As such, the examiner fails to find support for the language of these claims.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims **40**, **41**, **43**, and **44** are rejected under 35 U.S.C. 102(e) as being anticipated by Sezan et al. (US 2005/0060641).

Referring to claims **40** and **44**, Sezan et al. discloses a media distribution apparatus/method (p. 20, paragraph 206 & Figs. 2, 28) comprising:

- a storage section that stores views that are original media content, metadata for explaining the views, the metadata comprising a plurality of segments and describing viewpoints assigned on a segment-by-segment basis and time information (a program description scheme is utilized in an MPEG-7 format for describing media content, including a syntactic structure scheme 402, a semantic structure description scheme 404, a visualization description scheme 406, and a meta information scheme 408)(p. 3, paragraph 42; p. 9, 10, paragraphs 90, 91, 94-97; p. 16, paragraph 186; p. 17, paragraph 189; & Figs. 13-21);

- a request receiver that receives, from a client, a distribution request including identification information that identifies, in advance, the content that is distributed, identification information of the content and the viewpoint information selected from list information comprising the time information and the viewpoint information included in the content (a search, filtering, and browsing (SFB) module is used to perform filtering, searching, and browsing of the programs on the basis of the information contained in the description schemes. For instance, a user may indicate a desire to watch a five minute highlight of a sports game), and desired time information (the user can designate a length of time for a highlight)(p. 3-6, paragraphs 45, 53, 55; p. 8, paragraph 73; p. 13, paragraphs 137-141; p. 16, paragraph 184; p. 19, paragraphs 201, 202; & Figs. 7-12, 14) ;
- a media extractor/generator that extracts a plurality of segments adapted to the viewpoint information and time information from the metadata with respect to content corresponding to the identification information included in the distribution request and dynamically generates a preview summary video of a time length corresponding to the desired time information by combining views corresponding to the extracted plurality of segments (program analysis is performed based on user request. For example, if the user wishes to view a 5 minute video highlight, the analysis module may invoke a knowledge based system to determine the highlights that form the best 5 minute summary)(p. 5, 6, paragraphs 51, 53, 55; p. 7, paragraph 62; p. 19, paragraphs 201, 202; & Figs. 7-12); and

- a media transmitter that transmits the generated preview to the client (user descriptions can be stored at a server and the content adaptation can be performed there. Preferred content would then be transmitted to the user)(p. 5, 6, paragraphs 53, 55; & p. 20, paragraph 206).

Referring to claims **41** and **44**, Sezan et al. discloses the media distribution apparatus/method according to claims 40 and 43, respectively, wherein a plurality of sets of the viewpoints are assigned based on the segment-by-segment/priority of the viewpoint (a user description scheme generates preferred views for highlight generation)(p. 5, paragraph 52 & Figs. 14, 16).

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims **42** and **45** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sezan et al. (US 2005/0060641) in view of Russo et al. (US 5,619,247).

Referring to claims **42** and **45**, note the rejection under 35 USC 112, first paragraph above. Sezan et al. discloses the media distribution apparatus/method according to claims 40 and 43, respectively. Sezan et al. does not disclose a charger that does not perform charging when the preview is transmitted and performs charging according to a length of the preview. Russo et al. discloses transmitting media content to a user without billing them (col. 5, l. 2-4). The user

may enjoy the content free of charge until a predetermined amount of time of the content has been viewed. At this time a charge will take place (col. 10, l. 64-67). It would have been obvious to modify Sezan et al. to include charging a user for content after a certain length of media content has been viewed, such as that taught by Russo et al. in order to compensate a content provider for content viewing, while allowing a user to cancel a transaction if content viewing is terminated early (Russo et al. col. 2, l. 58-63).

Conclusion

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Errico et al. (US 7,055,168) discloses allowing a user to manipulate video content to generate different views by utilizing various description schemes associated with the content similar to the Sezan et al. reference cited in the Office Action above (col. 14, l. 45-67; col. 15, l. 1-21; & Figs. 4-12).

Sezan et al. (US 2004/0255150) discloses an audiovisual information management system similar to that of the Sezan et al. reference cited in the Office Action above.

Rui et al. (US 2005/0160457) discloses providing metadata to a receiver identifying, for multiple portions of programming content, an indicator of the likelihood that the portion is an exciting portion of the content. The metadata can then be used to generate a summary for the program (see Abstract).

Bhagavath et al. (US 6,829,781) discloses a network-based device that allows customers to receive television programming and to view summaries of the programming (see Abstract).

Kim et al. (US 7,181,757) discloses a video summary description system for describing video summary by meta data to provide overview functionality that makes it feasible to understand the overall contents of the original video in a short time with navigation and browsing functionalities (see Abstract).

Gibbon et al. (US 7,184,959) discloses segmenting video content based on semantic differences, identifying a topic of the content, and generating a summary of the content (see Abstract).

Chang et al. (US 5,828,809) discloses automatically indexing the locations of specified events, such as touchdowns, fumbles, and other football-related events, on a video tape (see Abstract).

Sezan et al. (US 6,993,789) discloses a receiver that extracts data from an audiovisual program and builds a summary for the viewer (see Abstract).

Sezan et al. (US 6,236,395) discloses an audiovisual information management system similar to that of the Sezan et al. reference cited in the Office Action above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL VAN HANDEL whose telephone number is (571)272-5968. The examiner can normally be reached on 8:00am-5:30pm Mon.-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chris Kelley/
Supervisory Patent Examiner, Art Unit
2623

MVH